

REMARKS

Claims 1-28 are currently pending in the present application.

The Applicants wish to express their appreciation for the Examiner's allowance of claims 21-26, and the indication that objected-to claims 2, 5-12, 15-16 and 18 would be allowable if amended into independent form to incorporate the limitations of their respective base and intervening claims.

Claims 2, 5, 7, 9 and 15-16 have been amended into independent form in order to place the objected-to claims into allowable form. Allowance of these claims is accordingly requested. In addition, independent apparatus claim 1 and independent method claim 17 have been amended to more specifically recite the "variations" identified in the claims. Further, claim 18 has been amended into independent form, and claims 21-22 have been amended for clarity.

The following addresses the remaining the objections and rejections in the December 14, 2004 Office Action.

Claim Objection: Claim 20 stands objected to as depending from a non-existent claim 28.

The Applicants respectfully note that new claims 27 and 28 were added by the Preliminary Amendment filed February 7, 2002. Therefore, claim 20's reference to claim 28 is proper. Withdrawal of the pending claim objection is respectfully requested.

Rejection Under § 102(b): Claims 1, 3-4, 13-14, 17 and 19-20 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,864,632 to Ogawa, *et al.* ("Ogawa"). The Applicants respectfully traverse this rejection on the grounds that Ogawa fails to disclose the subject matter recited in claims 1

and 17 and their respective dependent claims 3-4, 13-14 and 19-20.

In the embodiments of the variation detection apparatus and method recited in amended independent claims 1 and 17, respectively, a reference line drawing or image is collated against a target image, “variation indexes” which indicate the extent of variations requiring updating between the reference and target images of ground objects are developed, ground objects are displayed based on the variation indexes for visual confirmation for updating variation, and ground objects (i) judged by the visual confirmation to have varied from the reference drawing or image, and (ii) judged based on their variation index to have varied, without needing visual confirmation, are stored as “variation present.” Claims 1, 17; *see also, e.g.*, Specification at 15:8-16:7; 17:3-9; 21:19-22-11 (describing variation index determination, variation present determination, and storage of variation present data). This approach provides an enhance efficiency and accuracy in updating variations between reference and target views of ground objects.

In contrast, the Ogawa reference does not disclose or suggest the refined apparatus and method of claims 1 and 17, respectively. While Ogawa generally describes displaying processing summary information (summary display means 112 referred to at Ogawa 6:1-6) and sending data to a printer or memory (output means 113 referred to at Ogawa 6:7-12), there is no disclosure or suggestion in this reference of the claim 1’s “means for storing ground objects judged to have variations by said visual confirmation for variation and ground objects which do not have to be subjected to said visual confirmation for variation but which can be judged to have variations on the basis of said variation indexes, as ground

objects whose confirmation results are regarded as variation present.” *Accord*, claim 17 (storing step).

Because Ogawa does not disclose all the features of the present invention recited in claims 1 and 17, these claims and their respective dependent claims are patentable over Ogawa under § 102(b). Reconsideration and withdrawal of the pending § 102(b) rejection is respectfully requested.

CONCLUSION

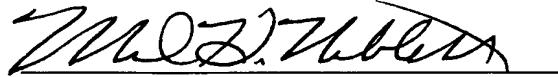
In view of the foregoing amendments, the Applicants respectfully submit that claims 1-28 are now in allowable form. Early and favorable consideration and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #10689/50641US).

Respectfully submitted,

April 14, 2005



Herbert I. Cantor
Registration No. 24,392
Mark H. Neblett
Registration No. 42,028

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844